

REMARKS

Claims 15-30, 41-46, 51-52, 61, 62 and 65-70 are currently pending in the subject application. Claims 24, 65, and 67 have been amended. Support for the amendment to claim 24 may be found, for example, in FIG. 7 and paragraph [0078] of the original specification. Support for the amendment to claims 65 and 67 may be found, for example, in FIGS. 4A and 7, and paragraphs [0048] and [0078] of the original specification. No new matter has been added. Claim 15 is the sole independent claim.

Applicants request, in the next Office action, that the Examiner indicate the acceptability of the drawings filed on August 26, 2003.

A. Introduction

In the outstanding Office action,

1. claims 15-23, 27-30, 41-46, 51, 52, 61, 62, and 65-70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5, 214,535 to Harris et al. (“the Harris et al. reference”) in view of U.S. Patent No. 5,772,905 to Chou (“the Chou reference”); and
2. claims 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Harris et al. reference in view of the Chou reference, and further in view of U.S. Patent No. 4,731,155 to Napoli et al. (“the Napoli et al. reference”);.

B. Asserted Obviousness Rejection of Claims 15-23, 27-30, 41-46, 51, 52, 61, 62, and 65-70

In the outstanding Office action, claims 15-23, 27-30, 41-46, 51, 52, 61, 62, and 65-70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Harris et al. reference in view of the Chou reference. This rejection is respectfully traversed for at least the reasons set forth below.

Claim 15 recites, in part, “simultaneously imprinting a replica of said plurality of optical elements in a material by applying the substantially planar surface of the master to the imprintable material” and “separating the support substrate through the first and second opposing parallel surfaces to form individual optical elements, each individual optical element including the hardened replica and the support substrate.”

Even assuming arguendo that the Harris et al. reference in view of the Chou reference may be combined, which is not conceded, this combination fails to suggest, much less disclose, all of the limitations of claim 15. In particular, the Office action asserts that since the Harris et al. reference teaches making a plurality of optical elements lithographically and the imprinting

can be used to make an optical element, it would be obvious to make a plurality of optical elements by imprinting.¹ However, while lithographic techniques may have been used to make a plurality of optical elements simultaneously on a substrate, imprinting was used to sequentially form individual elements on a substrate. While the Office action further relies on the Chou reference as teaching imprinting on a wafer level,² the Chou reference also teaches removing thin film remaining between protruding features, i.e., only teaches this imprinting for two-level structures. Thus, absent the teachings of the present specification, one of skill in the art would not have been motivated to use the imprinting of the Chou reference for the diffractive element in the Harris et al. reference.

Further, there is no disclosure in the Chou reference regarding separating the substrate having the hardened replica thereon. While the Harris et al. reference may disclose such separation, there is no disclosure how to separate the optical elements when the plurality of optical elements have been imprinted on a wafer level, i.e., when imprintable material is on the entirety of the substrate.

Therefore, it is respectfully submitted that neither the Harris et al. reference nor the Chou reference, either alone or in combination, suggest, much less disclose, all of the limitations of claim 15. The remaining rejected claims depend, either directly or indirectly, from claim 15, and are similarly believed to be allowable.

Further, dependent claims 65 and 67 have been amended to recite that “one of the optical lithograph and the replica being a diffractive optical element and another being a refractive optical element.” It is respectfully submitted that this limitation further clarifies the present invention over the applied references, as well as being allowable due to their dependency on claim 15.

C. Asserted Obviousness Rejection of Claims 24-26

In the outstanding Office action, dependent claims 24-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Harris et al. reference in view of the Chou reference, and further in view of the Napoli et al. reference. Claim 24 has been amended to recite that the imprinting is performed “such that a plurality of pairs of opposing, corresponding optical elements are formed on the support substrate, each individual optical element including a pair of

¹ Office action mailed October 14, 2010, page 2.

² *Id.*, page 3.

opposing, corresponding optical elements.” While the Napoli et al. reference may disclose imprinting on both sides of a wafer, the wafer is to be longitudinally cut to improve yield. Thus, none of the references suggest, much less disclose, imprinting both side of a substrate to create individual optical elements, each including a pair of opposing, corresponding optical elements. Therefore, it is respectfully submitted that claim 24, as well as claims 25-26 depending therefrom, are further allowable, as well as being allowable due to their dependency on claim 15.

D. Conclusion

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

LEE & MORSE, P.C.

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Susan S. Morse, Reg. No. 35,292

LEE & MORSE, P.C.
3141 FAIRVIEW PARK DRIVE
SUITE 500
FALLS CHURCH, VA 22042
703.207.0008 TEL
703.207.0003 FAX

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